

9 IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 18TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE P.VISHWANATHA SHETTY

WRIT PETITION NO.17905/1998

BETWEEN:

1. Sri.Kareemsab

S/o B.Fakeerasab

Age: 48 years, Occ: Agril.

2. Sri.Nabisab S/o B.Fakeersab,

Age: 38 years,

Occ: Agril.

..PETITIONERS

both are R/o Mustoor Diggicamp,

Tq: Gangavathi,

Dist: Koppal.

AND:

1. The Deputy Commissioner

Koppal, Dist: Koppal.

1A. Sri.Shivaram,

Age: Major, Occ: Deputy

Commissioner Koppal,

Dist: Koppal.

2. Assistant Director of

Land Records Koppal,

Dist: Koppal.

3. Taluka Bhumapana Kacheri,

Gangavathi, Dist: Koppal.

4. The Tahsildar,
Gangavathi,
Dist: Koppal.

5. Sub-Inspector of Police,
Karatagi, Tq: Gangavati,
Dist: Koppal.

..RESPONDENTS

(By Sri.B.E.Kotian, HCGP)

This WP is filed under Articles 226 & 227 of the Constitution praying to quash Annex-E & F dt. 14.5.98 & 25-5-98 by R-1 & 3 respectively.

This WP is coming on for Preliminary Hearing this day, the Court made the following:-

O R D E R

Sri B.E.Kotian, learned Government Advocate is directed to take notice to respondents-1,2, 3, 4 and 5.

2. The petitioners in this petition have called in question the correctness of the endorsement dated 14th May, 1998, given by the 1st respondent, wherein, he has directed the 4th respondent to survey the land after obtaining police protection.



3. Sri Chandrashekar Patil, learned counsel appearing for the petitioners submitted that the said order/endorsement passed by the 1st respondent is totally without jurisdiction.

4. I am unable to accede to the submission of the learned counsel appearing for the petitioners. The order made by this court in the Writ Petition No.6324/98 shows that the writ petition filed by the petitioners challenging the order of the Appellate Authority for non-consideration of grant of interim order was dismissed. Therefore, in the absence of any interim order granted by the Appellate Authority staying the order passed by the original authority, the Authorities in law are entitled to give effect to the order passed by the original authority. While giving effect to the order passed by the original



authority, if any of the parties obstructing the proceedings relating to survey of their land, the Revenue Authorities were entitled to obtain police assistance. Obviously, on the complaint given by the contesting respondents obstructing the survey of the land, the 1st respondent appears to have passed the order. Therefore, I do not find any justification to interfere against the said order-Annexure-D. It is seen that the Assistant Commissioner was directed to dispose of the appeal within ^{- by this court ✓} four weeks. The learned counsel submits that till now the appeal has not yet been disposed of; under these circumstances, I am of the view, it is necessary to impress upon the Assistant Commissioner to comply with the direction given by this court and otherwise he will have to face the consequences.

WV

5. In the light of the discussion made above, this petition is rejected. However, ~~the~~ direction is given to the Assistant Commissioner, Koppal to give effect to the direction given by this court in Writ Petition No.6324/1998 without further delay.

6. Communicate this order to the Assistant Commissioner, Koppal.

7. Sri Kotian, learned Government Advocate is given four weeks time to file his memo of appearance.

Sd/-
JUDGE

